IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 22624 of 2007(R)

PETITIONER:

DHONDIRAM SAIT, AGED 60 YEARS,
S/O.PANDURANG, AMC-17/171,
UDAYA BUILDINGS, MULLACKAL, ALAPPUZHA.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:

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1. THE ALAPPUZHA MUNICIPALITY, REPRESENTED
BY ITS SECRETARY, ALAPPUZHA.

2. T.S.VARGHESE, THAYYIL HOUSE,
C.C.N.P. ROAD, MULLACKAL, ALAPPUZHA.

R1 BY SC SRI. M.K.CHANDRAMOHAN DAS.
BY ADV. SRI R.AZAD BABU
R2 BY SRI.P.R.VENKETESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.22624 of 2007

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Dated this the 26th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P6. He is the tenant in a building owned by the second respondent. Ext.P6 is an order issued under Section 411 of the Municipalities Act to demolish the building. It is not in dispute that the order is appealable before the Tribunal. In such circumstances, I am not inclined to consider this writ petition under Article 226 of the Constitution.

2. Heard counsel for the respondents also.

Accordingly the writ petition is disposed of with liberty to the petitioner to prefer appeal against Ext.P6, of course, within the period of limitation. In order to facilitate the consideration of the matter, Ext.P6 shall be kept in abeyance for a period of three weeks from today.

(K.M. JOSEPH, JUDGE)

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